**AMENDMENT TRANSMITTAL****RECEIVED****PATENT****FEB 04 2004**

Application No.: 09/186,056  
Filing Date: 11/3/98  
First Named Inventor: Poisner et al.  
Examiner's Name: TBD  
Art Unit: TBD  
Attorney Docket No.: 42390.P6344

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☐ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE COMMUNICATION 37 CFR § 1.181(a)
- ☐ Other: \_\_\_\_\_
- ☐ Check(s) \_\_\_\_\_
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
TYPED OR PRINTED NAME: Jeff S. Draeger  
SIGNATURE: [Signature]  
REG. NO.: 41,000  
DATE: December 19, 2003  
ADDRESS: 12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025  
TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on December 19, 2003

Date of Deposit

Patricia M. Richard

Name of Person Mailing Correspondence

[Signature]  
Signature12/19/03  
Date**RECEIVED**  
**DEC 29 2003**  
**TECHNOLOGY CENTER 2800****Send to:** COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

(10/14/03)



Docket No.: 42390.P6344

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Poisner et al.

Serial No.: 09/186,056

Filed: 11/3/98

For: RACE FREE DATA TRANSFER  
ALGORITHM USING HARDWARE  
BASED POLLING

)  
)  
)  
)  
) Examiner: TBD  
)  
) Art Unit: TBD  
)  
)  
)  
)

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE OFFICE COMMUNICATION  
37 CFR § 1.181(a)**

Hon. Commissioner of  
Patent & Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed 10/28/03, applicants respectfully requests withdrawal of holding of abandonment for the above referenced application in view of applicant's remarks herein.

RECEIVED  
DEC 29 2003  
TECHNOLOGY CENTER 2800

## STATEMENT OF FACTS

Applicant hereby petitions to request withdrawal of the holding of abandonment mailed 10/28/2003. The abandonment was held due to an alleged failure to respond to a Notice of Missing Parts. As detailed below, applicants never received this notice of missing parts and therefore were unable to respond. Applicant submits herewith the appropriate response to the Notice of Missing Parts as well as the proof required to justify withdrawal of the holding of abandonment specified in the MPEP.

According to MPEP § 711.03(c), the showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Accordingly, it is hereby submitted that:

1. A search of the above-referenced patent file, Intel docket number P6344, Ser. No. 09/186,056 was performed, and indicated that the Notice of Missing Parts, allegedly mailed by the Patent Office on 11/19/98 was never received because it was not present in the file.
2. Notably, a request for status was sent to the Patent Office requesting information about the status of the case on 11/6/2000 due to the long latency without any communications being received from the Patent Office.
3. A search of the docket records pertinent to this file was also performed and also

indicated that the Notice of Missing Parts was never received by applicants. A copy of the docket record where the non-received Notice of Missing Parts would have been entered had it been received and docketed is attached.

### **ACTION REQUESTED**

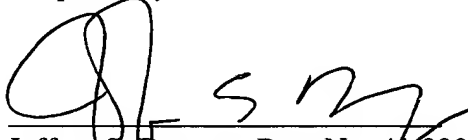
Applicants therefore request that the holding of abandonment based on applicants' alleged failure to respond to the Notice of Missing Parts be withdrawn. Applicant submits that this request was timely submitted within 2 months of the notice of abandonment mailed 10/28/03.

Applicants have submitted herewith the signatures required for this case, although since no notice of missing parts was received, no copy of such notice is enclosed.

If there is a deficiency in fees, please charge our Deposit Acct. No. 02-2666.

Date: 12/19/03

Respectfully submitted,

  
Jeffrey S. Draeger, Reg. No. 44,000

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8598



**FIRST CLASS CERTIFICATE OF MAILING**  
**(37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

on 12/19/03  
Date of Deposit

Patricia M. Richard

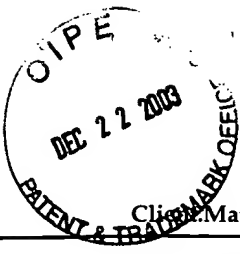
Name of Person Mailing Correspondence

[Signature]  
Signature

12/19/03

Date

RECEIVED  
DEC 29 2003  
TECHNOLOGY CENTER 2800



# Docket

12/19/2003

Atty	Client Matter	Client Name	Country	Pat/Ser/Reg	Description
EHT	42390 . P6344	Intel Corporation		186,056	

3 month deadline to file prior art disclosure and check related cases (based on filed US application).

Title: Race Free Dma Algorithm Using Hardware Based Polling - Utility

Gentry would have APPEARED HERE if  
DOCKETED

RECEIVED  
DEC 29 2003  
TECHNOLOGY CENTER 2800

## DOCKET

<b>Client #:</b>	42390	<b>Client Name:</b>	Intel Corporation
<b>Matter #:</b>	P6344	<b>Title:</b>	RACE FREE DMA ALGORITHM USING HARDWARE BASED POLLING - UTILITY
<b>Attorney:</b>	EHT	<b>Country:</b>	
<b>Reference #:</b>	186,056	<b>Date:</b>	2/3/1999
<b>Status:</b>	Cleared	<b>Description:</b> 3 month deadline to file prior art disclosure and check related cases (based on filed US application).	

## Secretarial Remarks:

Clear? ☐ Check if you want a change made to this record: ☐

Docket Entries will not be cleared or changed unless you include:

- Your initials
- Date of your remark
- Specific reason to clear or change the item

Check if cleared by  
Sec. Request ☐

Event Status

Status

C

P: printed on report  
C: needs to be printed

Cleared

Cleared by: Automatic Clear





Date Cleared 2/3/1999

Docket Initials

arh

label printed  
(date and initials)

## Report Options:

Cleared Docket Report	Docket Printout	Monitor Report	Sun Docket Printout
Cleared Docket Report - Copy	Docket Printout - CM	Monitor Report NZ/ESH	
	Docket Printout w/Matters		

RECEIVED

NOV 30 2000

B.S.T.Z. DATABASE DEPT.

TC

RECEIVED  
NOV 28 2000

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
LOS ANGELES

TECHNOLOGY CENTER 2800

DEC 29 2003

RECEIVED

Serial/Patent No.: 09/186,056 Filing/Issue Date: 11/03/98  
Client: INTEL CORPORATION  
Title: A Race Free Data Transfer Algorithm Using Hardware Based Polling

BSTZ File No.: 042390.P6344 Atty/Secty Initials: EHT/JSD/jkm  
Date Mailed: 11/ 8 /2000 Docket Due Date: \*\*

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input type="checkbox"/> Express Mail No.: _____                                     | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                              | <input type="checkbox"/> _____ Month(s) Extension of Time                            | Amt: _____                               |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)            | <input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.)     | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                   | <input type="checkbox"/> Issue Fee Transmittal                                       | Amt: _____                               |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                     | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                            | <input type="checkbox"/> Petition for Extension of Time                              |  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                | <input type="checkbox"/> Petition for _____  |  |
| <input type="checkbox"/> Application - Design (____ pgs.)                                      | <input checked="" type="checkbox"/> Postcard   |  |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)                               |  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                 | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                           |  |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (____ pgs.)                                     |  |
| <input checked="" type="checkbox"/> Certificate of Mailing                                     | <input type="checkbox"/> Response to Notice of Missing Parts                         |  |
| <input type="checkbox"/> Declaration & POA (____ pgs.)   | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business |  |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventions Signed Letter (____ pgs.) | <input type="checkbox"/> Transmittal Letter, in duplicate                            |  |
| <input type="checkbox"/> Drawings: _____ # of sheets includes _____ figures                    | <input type="checkbox"/> Fee Transmittal, in duplicate                               |  |

☐ ~~XXXX~~ REQUEST FOR STATUS

O I P E J C I S T  
NOV 17 2000  
PATENT & TRADEMARK OFFICE

ENTERED  
NOV 28 2000  
STATUS DB





RECEIVED

DEC 29 2003

TECHNOLOGY CENTER 2800

Filing/Issue Date: 11/03/98

Serial/Patent No.: 09/186,056

Client: INTEL CORPORATION

Title: A Race Poling Based Poling

Att/Secy Initials: EHT/JSD/1km

BSTZ File No.: 042390.P6344

Docket Due Date: \*\*

Date Mailed: 11/8/2000

Docket Due Date: on the date stamped hereon:

- The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Amendment/Response (___ pgs.) (in triplicate)               | <input type="checkbox"/> Express Mail No.: ___                                       | <input type="checkbox"/> Check No. ___ |
| <input type="checkbox"/> Appeal Brief (___ pgs., with cover and abstract)            | <input type="checkbox"/> Month(s) Extension of Time                                  | <input type="checkbox"/> Amt: ___      |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (___ pgs.)          | <input type="checkbox"/> International Search Report & PTO 149 (___ pgs.)            | <input type="checkbox"/> Check No. ___ |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (___ pgs.)            | <input type="checkbox"/> Issue Fee Transmittal                                       |  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (___ pgs.)                   | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Application - Rule 1.53(d) CIPA Transmittal (___ pgs.)      | <input type="checkbox"/> Petition for Extension of Time                              |  |
| <input type="checkbox"/> Application - Design (___ pgs.)                             | <input type="checkbox"/> Petition for ___  |  |
| <input type="checkbox"/> Application - PCT (___ pgs.)                                | <input checked="" type="checkbox"/> Postcard   |  |
| <input type="checkbox"/> Application - Provisional (___ pgs.)                        | <input type="checkbox"/> Power of Attorney (___ pgs.)                                |  |
| <input type="checkbox"/> Assignment and Cover Sheet                                  | <input type="checkbox"/> Preliminary Amendment (___ pgs.)                            |  |
| <input checked="" type="checkbox"/> Certificate of Mailing                           | <input type="checkbox"/> Reply Brief (___ pgs.)                                      |  |
| <input type="checkbox"/> Declaration & POA (___ pgs.)                                | <input type="checkbox"/> Response to Notice of Missing Parts                         |  |
| <input type="checkbox"/> Declaration & O&G & Copy of Inventor's Signature (___ pgs.) | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business |  |
| <input type="checkbox"/> Drawings: ___ # of sheets includes ___ figures              | <input type="checkbox"/> Transmittal Letter, in duplicate                            |  |
|  | <input type="checkbox"/> Fee Transmittal, in duplicate                               |  |

☐ XXX: REQUEST FOR STATUS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
David I. Poisner

Serial No.: 09/186,056

Filing Date: 11/03/98

For: A Race Free Data Transfer  
Algorithm Using Hardware  
Based Polling

Art Unit: 2782

Examiner: Not Assigned

Hon. Commissioner for  
Patents & Trademarks  
Washington, D.C. 20231

RECEIVED  
DEC 29 2003  
TECHNOLOGY CENTER 2800

REQUEST FOR STATUS

Dear Sir:

Applicant respectfully request the current status of the above-referenced patent application. Correspondence to date from the USPTO consists only of the Corrected Filing Receipt which is dated December 21, 1999.

In view of the information presented, Applicant hereby respectfully requests the current status for the above-referenced application.

Respectfully submitted

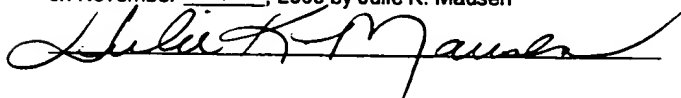
Dated: November 6, 2000

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
(408) 720-8300

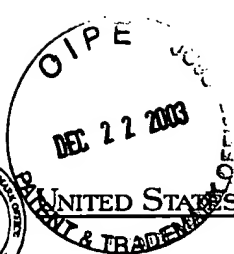
  
Jeffrey S. Draeger, Reg. No. 41,000

FIRST CLASS CERTIFICATE OF MAILING  
(37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 8, 2000 by Julie K. Mause



Date: November 8, 2000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/186,056	11/03/1998	DAVID I. POISNER	042390.P6344

CONFIRMATION NO. 1348

**ABANDONMENT/TERMINATION  
 LETTER**


\*OC000000011110356\*

BLAKLEY SOKOLOFF TAYLOR & ZAFMAN  
 12400 WILSHIRE BOULEVARD  
 7TH FLOOR  
 LOS ANGELES, CA 90025

Date Mailed: 10/28/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/19/1998.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE